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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER	
HENRY, RODNEY M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,413	SOTAK ET AL.	
	Examiner	Art Unit	
	RODNEY M. HENRY	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 0208*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-54* is/are pending in the application.

4a) Of the above claim(s) *3* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/14/2003, 4/6/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a second non-final, office action on the merits. The Examiner acknowledges receipt of communications dated July 7, 2008 from the Applicant. Claims 1, 4, 27, and 50 were amended, and claim 3 was canceled. Claims 1-54, are currently pending and have been considered below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1-39, as best understood, it appears that the claimed method steps could simply be performed by mental process alone and are not statutory. Based on Supreme Court precedent [1] and Federal Circuit decisions a §101 process must

(1) be tied to another statutory class (such as a particular apparatus) or

(2) transform underlying subject matter (such as an article or materials) to a different state or thing. [2]

The independent claim is directed towards steps of "determining", "controlling", "selecting", "detecting", "replacing", "collecting", "analyzing", "identifying", and "maintaining". Since the claims are directed to a process without including another

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[1] *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S, 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S, 63, 70 (197); *Cochrane v. Deener*, 94 U.S, 780, 787-88 (1876).

[2] The Supreme Court recognized that this test is not necessarily fixed or permanenet and may evolve with technological advance. *Gottschalk v. Benson*, 409 U.S 63, 71 (1972).

statutory class of invention (manufacture, machine, composition of matter), these claims fall within the scope of human intelligence alone, and are non-statutory.

Regarding claims 8, 15, 22, and 39, the claims are directed to a program per se, which is considered functional descriptive material, and is not statutory. MPEP 2106.01 describes why a claim to functional descriptive material is non-statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9, 10, 15, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Lord et al. (US 6,944,877).

As per claims 9 and 51, Lord et al. discloses a method and means of displaying a video stream containing commercial advertising portions and primary content portions on a television at a residence, comprising:

detecting a commercial advertising portion of the video stream;

replacing the detected commercial advertising portion of the video stream with a video stream from a source component located at the residence so as to provide a

composite video stream containing primary content portions and at least one locally generated portion (see col 2, lines 13-33).

As per claim 10, Lord et al discloses

the video stream comprises at least one of a camera output and/or a status display (see FIG. 3).

As per claim 15, Lord et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodies therein, the computer readable program code being configured to carry out the method of Claim 9 (see col 6, lines 4-29).

6. Claims 16, 18-23, 25-28, 52, and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Banerjee et al. (US 2002/0147638).

As per claims 16, and 52 Banerjee et al. discloses a method and means of generating demographic data for residents of a residence for use in selecting video content for presentation to the residents, comprising:

collecting information on activity schedules of the residents of the residence; analyzing the activities reflected in the collected information; and

selecting the video stream from the source component located at the residence based on the analysis of the collected information (see paragraphs [0017] and [0035]).

As per claim 18, Banerjee et al. discloses analyzing and selecting comprises:

transmitting at least a portion of the collected information to a central entity; and

receiving video content for presentation to the residents from the central entity (see paragraph [0036] and [0067] and FIG. 1).

As per claim 19, Banerjee et al. discloses the central entity carries out the steps of: evaluating the transmitted information to determine at least one interest of the resident;

selecting at least one advertiser based on the determined interest; and forwarding an advertising clip associated with the at least one advertiser to the residence (see paragraphs [0036] and [0067] and FIG. 3).

As per claims 20, Banerjee et al. discloses the central entity requests and receives a plurality of advertising clips, the method further comprising: generating a program package incorporating the plurality of advertising clips; and sending the program package to the residence. (see paragraph [0036]).

As per claim 21, Banerjee et al. discloses analyzing the collected information comprises analyzing the collected information so as to determine an interest of a resident associated with the collected information. (see paragraph [0035]).

As per claim 22, Banerjee et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodies therein, the computer readable program code being configured to carry out the method of Claim 16 (see Abstract).

As per claims 23, and 53 Banerjee et al. discloses a method and means of determining a user of a video display device comprising:

collecting information on activity schedules of the residents of the residence;

and identifying at least one of the residents of the residence as the user of the video display device based on the collected information (see paragraphs [0036], [0067], and [0052]).

As per claim 25, Banerjee et al. discloses

selecting video content for display on a display device based on the identified at least one resident (see paragraph [0036]).

As per claim 26, Banerjee et al. discloses identifying at least one resident comprises eliminating from a list of possible users residents that the activity schedule information indicates are not present at the residence (see paragraph [0052]).

As per claim 27, Banerjee et al. discloses collecting information on resident activities associated with corresponding residents;

analyzing the resident activities reflected in the collected information to identify interests of the corresponding residents;

and wherein identifying at least one resident further comprises selecting a user from the list of possible users based on the interests of the residents and the content of video to be displayed on the display device. (see paragraphs [0035], [0052]).

As per claim 28, Banerjee et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodies therein, the computer readable program code being configured to carry out the method of Claim 23 (see Abstract).

7. Claims 30, 38, 39, and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaffer et al. (US 7,085,747).

As per claims 30, and 54 Schaffer et al. discloses a method and means of controlling components in a home management system (Column 7, lines 10-14 discloses a personal schedule module, construed to be a controlling component which makes recommendations for the viewers of a TV set (another component of the home management system) comprising

maintaining a central repository of residence information for use by more than one component of the home management system (Column 9, lines 9-11 discloses the personal schedule modification system 920, construed to be a central repository of residence information and used by components such as the TV and the personal schedule module of FIG. 9, and col 11, lines 34-58 regarding user incident history); and determining an action to control a component of the home management system based on an analysis of residence information maintained in the central repository (Column 9, lines 2430 discloses the monitoring of user 300 in order to generate the personal schedule (the action)).

As per claim 38, Schaeffer et al. discloses

controls access to the central repository with a common interface through which application programs communicate with the central repository (see FIGS. 2 and 3).

As per claim 39, Schaffer et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodied therein, the computer readable program code being configured to carry out the method of Claim 30 (Fig 9 shows a combination of the 3-way recommendation system and the Fuzzy-now function recommendation system. It is construed that the fuzzy computer system entails a computer, and programmable code for examining patterns and making inferences based on the data).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1, 2, 4-8, 24, 29, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al. (US 7,085,747), in view of Eldering (US 2002/0083439).

As per claims 1 and 50, Schaffer et al. discloses

a method of controlling a component of a home management system at a residence (see FIG. 2).

Schaffer et al. et al does not disclose determining resident activities of a resident of the residence; and controlling the component based on the determined resident activities of the resident wherein controlling the component comprises: selecting a video insertion to replace a commercial advertising portion of a video stream based on the determined activities of the resident; detecting a commercial advertising portion of the video stream; and replacing the detected commercial advertising portion of the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion.

However, Eldering discloses determining resident activities of a resident of the residence; and controlling the component based on the determined resident activities of the resident wherein controlling the component comprises: selecting a video insertion to replace a commercial advertising portion of a video stream based on the determined activities of the resident; detecting a commercial advertising portion of the video stream; and replacing the detected commercial advertising portion of the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion (see paragraph [0063]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add selection and replacement of video insertion to the system of Schaffer et al.. One would have been motivated to do this in order to ensure ads are customized for the particular user.

As per claims 2, Schaffer et al. discloses

determining resident activities of a resident comprises collecting information on activity schedules of residents of the residence utilizing an electronic calendar (see column 9, lines 14-15 an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to have calendars).

As per claim 4, Schaffer et al. does not disclose

selecting a video insertion comprises selecting an advertisement associated with the determined activities of the resident.

However, Eldering discloses selecting a video insertion comprises selecting an advertisement associated with the determined activities of the resident (see paragraph [0063]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add selection and replacement of video insertion to the system of Schaffer et al.. One would have been motivated to do this in order to ensure ads are customized for the particular user.

As per claim 5, Schaffer et al. discloses determining activities

of a resident comprises:

maintaining an activities schedule for the resident (Column 9, lines 7-11 discloses personal schedule module 910 containing the personal schedule of the user); and

determining whether the resident is present at the residence based on the resident's activities schedule (Column 10, lines 65-68 discloses the use of electronic sensors that indicate the user's car garage is entered, or that the TV set is turned on, along with the

personal schedule module data. Using the two pieces of data together can lead to greater reliability on accurate capture of who is home).

As per claim 6, Schaffer et al. discloses controlling the component comprises controlling access to video programming and/or network information based on the resident's activities schedule (Column 11, lines 1-6, and FIG. 8 discloses personal schedule module 910 containing the personal schedule of the user, which is used by the personal schedule modification system 920 to modify the Fuzzy-Now recommendations Functions 870 (recommendation of which program events to watch)).

As per claim 7, Schaffer et al. discloses controlling the component based on the determined resident activities of the resident comprises controlling at least one home management component of the home management system based on the information collected on the activity schedules of the residents (Column 9, lines 7-11, and FIG. 8 discloses personal schedule module (component 910) uses the activity schedules of residents to make recommendations on which programs to watch on the TV (construed to be passive control) of another component of the home management system, namely the TV).

As per claim 8, Schaffer et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodied therein, the computer readable program code being configured to carry out the method of Claim 1 (Fig 9 shows a combination of the 3-way recommendation system and the Fuzzy-now function recommendation system. It is construed that the fuzzy computer

system entails a computer. Programmable code for examining patterns and making inferences based on the data).

As per claim 24, Schaffer et al. discloses the information on activity schedules is collected utilizing a calendar application (Column 9, lines 14-15 discloses an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to have calendars).

As per claim 29, Schaffer et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodied therein, the computer readable program code being configured to carry out the method of Claim 23 (Fig 9 shows a combination of the 3-way recommendation system and the Fuzzy-now function recommendation system. It is construed that the fuzzy computer system entails a computer, and programmable code for examining patterns and making inferences based on the data).

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As per claim 32, Schaeffer et al. does not disclose

the home management system comprises:

selecting a video insertion to replace a commercial advertising portion of a video stream based on information stored in the central repository, the method further comprising:

detecting a commercial advertising portion of the video stream; and

replacing the detected commercial advertising portion of the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion.

However, Eldering et al. discloses the home management system comprises: selecting a video insertion to replace a commercial advertising portion of a video stream based on information stored in the central repository, the method further comprising: detecting a commercial advertising portion of the video stream; and

replacing the detected commercial advertising portion of the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion (see paragraph [0063]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add selection and replacement of video insertion to the system of Schaffer et al.. One would have been motivated to do this in order to ensure ads are customized for the particular use.

As per claim 33, Schaffer et al. does not disclose selecting a video insertion comprises:

transmitting at least a portion of the information from the central repository to a central entity; and receiving video content for presentation to the residents from the central entity.

However, Eldering et al. discloses selecting a video insertion comprises:

transmitting at least a portion of the information from the central repository to a central entity; and receiving video content for presentation to the residents from the central entity (see FIG. 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add transmission of information from the central repository to a central entity; and receiving video content for presentation to the residents from the central entity to the system of Schaffer et al.. One would have been motivated to do this in order to manage the network effectively, and to make use of storage, profiling, and scheduling modules.

As per claim 36, Goldman et al. discloses selecting an insertion:

comprises: analyzing information from the central repository so as to determine an interest of the resident associated with the information (Page 4, paragraph [0042] discloses the user profile of central entity client system 10 (FIG. 3A), including information such as internet usage data (user interests); and

selecting a video insertion based on the determined interest of the resident (Page 5, paragraph [0048] discloses advertisement selection criteria 70 of FIG. 3A selecting advertisement whose subject matter corresponds to the viewing habits of the user).

As per claim 37, Schaeffer et al. discloses

determining an action to control at least one of a home automation system, a parental control system, a security system, a network firewall, a video system, an audio system, a telephone system and/or a residence monitoring system (see col 2, lines 14-36, and page 3, lines 13-27).

10. Claims 40 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al. (US 7,085,747), in view of Goldman et al. (US 2003/0135853).

As per claim 40, Schaffer et al. discloses a home management system (Column 7, lines 10-14 discloses a personal schedule module, construed to be a controlling component which makes recommendations for the viewers of a TV set (another component of the home management system) comprising

a central repository of residence information (Column 9, lines 9-11 discloses the personal schedule modification system 920, construed to be a central repository of residence information, and col 11, lines 34-58, which makes use of incident history (residence information))

a plurality of home management application programs configured to retrieve information from and/or store information in the central repository (Column 9, line 15 discloses a PDA, construed to carry a plurality of home management application programs, such as calendar, note taking, database, calculator, etc.).

Schaffer et al. does not disclose providing access to the central repository of residence information.

However, Goldman et al. discloses providing access to the central repository of residence information (see paragraph [0032] and FIG. 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add providing access to the central repository of residence information to the system of Schaffer et al.. One would have been motivated to do this in order to ensure ads are customized for the particular use.

As per claim 41, Schaffer et al. discloses a family information portal configured to provide an interface to the plurality of application programs (Column 9, lines 8-15 discloses the personal schedule modification system 920 extracting data from a PDA (construed to have communications interface, such as HotSync)).

As per claim 42, Schaffer et al. discloses a direct media insertion technology (DMIT) module configured to control the content of media distributed to devices managed by the home management system (Column 3, lines 13-18 discloses user profile storage 270 (DMIT module) which stores records of preference genre such as horror, romance, westerns , etc.).

As per claim 43, Schaffer et al. discloses the DMIT module is further configured to block access to media based on information in the central repository (Column 3, lines 13-18 discloses user profile storage 270 (DMIT module) which stores records of preference genre and schedules information not to be shown (parental control)).

As per claims 44 and 45, Schaeffer et al. discloses the elements of the claimed invention, but fails to explicitly disclose the DMIT is further configured to replace and or insert advertisements into media distributed to devices managed by the home management system based on information in the central repository.

Goldman et al. teaches a system and method for inserting advertisements into an information retrieval system display where a DMIT is further configured to replace and or insert advertisements into media distributed to devices managed by the home management system based on information in the central repository (Page 6, paragraph

[0052] and FIG. 3B discloses advertisement insertion module 176 overwriting an advertisement already included in the requested content with an advertisement (video insertion) selected based on the user profile).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schaffer et al. include, insertion of advertisements as taught by Goldman et al. in order to couple information contained in the central repository with advertisements.

As per claim 46, Schaffer et al. discloses at least one of the application programs comprises a calendar application for tracking activities of users of the home management system (Column 9, lines 14-15 discloses an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to have calendars).

As per claim 47, Schaffer et al. discloses at least one of the application programs comprises a services module configured to provide sharing services that control the flow of information from the central repository, an update module that provides for updating the central repository, a Family Information Scheduling (FIS) module that provides a Family Calendar that tracks family activities, appointments and/or tasks, a Family Advertising System (FAS) module that provides tailored advertising and/or control over advertising, a Kitchen Information System (KIS)/Gourmet module provides recipes, menu planning and/or inventory functions, a Medical Information System (MIS) module that provides medical information, maintenance, control over medical records and/or exercise schedules/routines, a Landscape

Information System (LIS) module that controls the schedule of maintenance and/or irrigation systems, a School Interface System (SIS) module that tracks assignments and/or activities and/or a Family Automation Control (FAC) module that controls home automation systems. (Column 9, lines 14-15 discloses an electronic schedule keeper such as a PDA which carries programs that track family activities, appointments and/or tasks, such as calendar).

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lord et al. (US 6,944,877), in view of Allport (US 6,097,441).

As per claim 11, Lord et al. does not disclose

the video stream comprises a video stream from a baby monitor.

However, Allport discloses a video stream from a baby monitor (Column 5, lines 11-13 teaches the full motion video allowing the user to view the output from a video baby monitor (camera output)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a video stream from a baby monitor to the system of Lord et al.. One would have been motivated to do this in order to accommodate new parents as well for the home management system.

12. Claims 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lord et al. (US 6,944,877), in view of Banerjee et al. (US 2002/0147638).

As per claims 12, and 14, Lord et al. discloses:

selecting video from the source at the residence (see col 2, lines 13-33).

Lord et al. does not disclose

collecting information on activity schedules of the residents of the residence;

analyzing the activities reflected in the collected information; and

selecting the video stream from the source component located at the residence based on the analysis of the collected information.

However, Banerjee et al. discloses collecting information on activity schedules of the residents of the residence;

analyzing the activities reflected in the collected information; and

selecting the video stream from the source component located at the residence based on the analysis of the collected information (see paragraph [0017]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add analyzing the activities reflected in the collected information; and selecting the video stream from the source component located at the residence based on the analysis of the collected information to the system of Lord et al.. One would have been motivated to do this in order to ensure ads are customized for the particular user based on their activities.

13. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lord et al. (US 6,944,877), in view of Banerjee et al. (US 2002/0147638), and further in view of Schaffer et al. (US 7,085,747).

As per claims 13, Lord et al. does not disclose

determining resident activities of a resident comprises collecting information on activity schedules of residents of the residence utilizing an electronic calendar.

However, Schaffer et al. discloses determining resident activities of a resident comprises collecting information on activity schedules of residents of the residence utilizing an electronic calendar (see column 9, lines 14-15 an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to have calendars).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add collection of activity schedules from electronic calendars to the system of Schaffer et al.. One would have been motivated to do this to integrate personal use items such as PDAs for transferring schedule data.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Banerjee et al. (US 2002/0147638), in view of Schaffer et al. (US 7,085,747).

As per claim 17 Banerjee et al. does not disclose

the information on activity schedules is collected utilizing a calendar application.

However, Schaffer et al. discloses the information on activity schedules is collected utilizing a calendar application (see column 9, lines 14-15 an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to be a calendar application).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add collection of activity schedules from electronic calendars to the system of Schaffer et al.. One would have been motivated to do this to integrate personal use items such as PDAs for transferring schedule data.

15. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al. (US 7,085,747), in view of Banerjee et al. (US 2002/0147638).

As per claim 31, Schaeffer et al. discloses resident activity information and activity schedules of residents (Column 9, lines 12-15 discloses personal schedule data is extracted form data entered by the user of from an electronic schedule keeper).

However Schaffer et al. fails to explicitly disclose the residence information comprises demographic information of residents.

Banerjeeet al. discloses the residence information comprises demographic information of residents (see paragraph [0042]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add demographic information to the system of Schaffer et al. in order to validate and correlate user activity with user profiles as a means of data verification.

16. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al. (US 7,085,747), in view of in view of Eldering (US 2002/0083439), and further in view of Banerjee et al. (US 2002/0147638).

As per claim 34, Schaeffer et al. does not disclose the central entity carries out the steps of:

evaluating the transmitted information to determine at least one interest of the resident;

selecting at least one advertiser based on the determined interest

requesting an advertising clip from at least one advertiser;

receiving an advertisement client from the at least one advertiser responsive to the request; and forwarding the received advertising clip associated to the residence.

However, Banerjeeet al. discloses the central entity carries out the steps of: evaluating the transmitted information to determine at least one interest of the resident;

selecting at least one advertiser based on the determined interest

requesting an advertising clip from at least one advertiser;

receiving an advertisement client from the at least one advertiser responsive to the request; and forwarding the received advertising clip associated to the residence (see FIG. 4 and paragraph [0035]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add evaluation of transmitted information to determine at least one interest of the resident to the system of Schaffer et al. in order to ensure ads are suitably tailored to customers needs and interests.

As per claims 35, Schaffer et al. does not disclose

the central entity requests and receives a plurality of advertising clips, the method further comprising:

generating a program package incorporating the plurality of advertising clips; and sending the program package to the residence.

However, Banerjee et al. discloses the central entity requests and receives a plurality of advertising clips, the method further comprising:

generating a program package incorporating the plurality of advertising clips; and sending the program package to the residence to the request; and forwarding the

received advertising clip associated to the residence (see FIGS 2, 4, and paragraph [0035]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add sending ad clips to residences to the system of Schaffer et al. in order to ensure ads are suitably tailored to customers needs and interests.

17. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al. (US 7,085,747), in view of Examiner's Official Notice.

As per claim 48, Schaeffer et al. discloses the elements of the claimed invention, but fails to explicitly disclose the plurality of application programs comprise at least two application programs configured to use information provided by the other one of the two application programs.

The Examiner takes Official Notice that it is old and well known in the art of application programs such as Microsoft Office Suite that at least two application programs are configured to use information provided by one of the two application programs (for example, MS Outlook can import information from MS Excel or MS word).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goldman to include, the well known application software to promote information sharing among applications.

As per claim 49, Schaeffer et al. discloses the information used by one of the one of the two application programs that is provided by the other one of the two application programs is stored in the central repository (Column 9, lines 9-11 discloses

the personal schedule modification system 920 (central repository) extracts data from the PDA, hence the application program is stored on the central repository).

Response to Arguments

The applicant's arguments are moot in light of the new grounds of rejection above.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Zimmerman, John (US 20030208755) discloses a conversational content recommender.

Microsoft Computer Dictionary Fifty Edition, 2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Tuesday through Friday from 7:30 am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rmh

/Arthur Duran/

Primary Examiner, Art Unit 3622